

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Abington Construction, Inc.

-against-

23-2485-GRB-LGD

M-Boss, Inc., et al

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NOTICE DESIGNATING CASE TO ARBITRATION

This case has been designated to participate in the non-binding Court Annexed Arbitration Program pursuant to Local Civil Rule 83.7(d):

https://img.nyed.uscourts.gov/files/local_rules/localrules.pdf

The rule requires automatic referrals to arbitration in cases where monetary damages do not exceed \$150,000, excluding Social Security cases, tax matters, prisoners' Civil Rights cases and any action based on an alleged violation of a right secured by the Constitution of the United States or if jurisdiction is based in whole or in part on Title 28 U.S.C. S 1343. The arbitration award is non-binding; counsel have 30 days to request a trial de novo after an award is entered.

The arbitration hearing date will be scheduled by the Court on a date occurring 120 days after the Answer is filed. The parties will have that 120-day period to complete discovery unless the District Court Judge or Magistrate Judge orders a shorter or longer period for discovery.

After the hearing is held, the arbitrator will submit the arbitration award to the Arbitration Clerk promptly after the hearing is concluded. The Arbitration Award is a confidential document and will not be filed on the Court docket. Within thirty (30) days after the arbitration award is entered on the docket, any party may demand, in writing, a trial de novo in the District Court. The award will become a final judgment of the court if a trial de novo is not filed within 30 days of the award being entered.

In the event a party fails to participate in the arbitration process in a meaningful manner, or comply with the rules, herein, the Court may impose appropriate sanctions, including, but not limited to, the striking of any demand for a trial de novo filed by that party.

The Local Rules governing Court Annexed Arbitration are found here:
https://img.nyed.uscourts.gov/files/local_rules/localrules.pdf

Additional arbitration instructions for parties and counsel can be found here:

<https://www.nyed.uscourts.gov/adr-forms>

All correspondence regarding this hearing, including requests to change the date must be filed electronically (ECF). Telephone calls to request adjournment of an Arbitration hearing will not be considered.

PRO SE LITIGANTS

If you are representing yourself and your case is filed in the Brooklyn Courthouse you may be eligible for free legal assistance from the Pro Se Legal Assistance Project operated by the New York City Bar Association. To schedule an appointment call: 212-382-4729 or visit their website at: <https://www.citybarjusticecenter.org/projects/federal-pro-se-legal-assistance-project/>

If you are representing yourself and your case is filed in the Central Islip Courthouse you may be eligible for free legal assistance from the Pro Se Legal Assistance Program operated by Hofstra Law School. To schedule an appointment call: 613-297-2575 or e-mail: pslap@hofstra.edu You may visit their website at: <https://proseprogram.law.hofstra.edu/>

If you are a pro se litigant and wish to receive electronic notification of court issued filings, please follow the instructions available here:

<https://img.nyed.uscourts.gov/files/forms/ProSeConsElecSvc-Instructions.pdf>

Dated: 4-18-2023

By: Rita Credle
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NOTICE OF REMOTE ARBITRATION HEARINGS DURING COVID-19

EDNY arbitrations shall be conducted remotely during the Covid-19 Pandemic until further notice. The Arbitrator will provide the video conferencing platform for the arbitration. EDNY arbitrators who are capable of conducting remote arbitrations are listed here:

<https://www.nyed.uscourts.gov/adr/?geo=&specialtyMult=21>

If either party does not wish to proceed with remote arbitration, please file a letter on the docket, addressed to the assigned Judge, stating the reasons you do not wish to proceed with a remote arbitration hearing.

GUIDELINES FOR PARTICIPANTS IN REMOTE ARBITRATION

Please review the *Remote Arbitration Participant Guidelines* for further information about remote EDNY arbitration proceedings:

<https://www.nyed.uscourts.gov/alternative-dispute-resolution>